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NEWS OF THE PROFESSION.

Place Aux Dames.—The Suffolk Bar Association at its meeting and banquet held on the 19th of December introduced a pleasing innovation by having the ladies present, not merely as “lookers on in — ‘Suffolk,’” but as participants in the good things spread for the delectation of the members. The menu of the banquet is gotten up in the very best style—a tiger growling a welcome on the first leaf. (We trust this was not meant as a suggestion of a Katzenjammer next day.) Bits of suggestive verse and sentiment interlard the interspaces. The array of edibles and—“condiments” made the reader’s mouth water.

Judge Robt. R. Prentis was toastmaster and we have no doubt that the wit at his end of the table was as sparkling and the humor as dry as the Ruinart Brut. Judge Boykin and Lawyers Everett and Withers, Burges and Britt, Mayor Kilby and Hon. J. B. Pinner talked back at “Bob.”

Next time a menu and invitation a few days ahead, instead of some days after, will meet a warm welcome from the “Register.”

Judge John H. Fulton.—Judge John H. Fulton died January 7, after a lingering illness from heart disease. Judge Fulton was closely and prominently identified with the history of Southwestern Virginia from early manhood. As a member of the Legislature in the period following reconstruction and the adoption of the former Constitution, as the judge of an important circuit for eighteen years, and as a busy and successful practitioner after his resignation from the bench, his impress and influence have been felt in many directions in that great and growing section. Born in 1837, near Austinville, Wythe county, the site of the historic Lead Mines, he was the second son of Judge Andrew S. Fulton, a member of Congress from what is now the Ninth District, and later a judge of the Circuit Courts.

The subject of this sketch was educated at Emory and Henry College, and in 1859 commenced the practice of law in Wytheville, where he built up an enviable practice for so young a man. This practice was interrupted by the John Brown raid and the stirring events following and between that time and the Civil War. At the time of the John Brown raid the Wythe Grays, a military company, and the first organized in the county, was formed, with Colonel Joseph F. Kent, a West Pointer, and General William Terry and Judge John H. Fulton, captain and lieutenants, in the order named. This company was of the State military forces in attendance at the trial and execution of Brown, and maintained its identity and organization until the commencement of the war, when it became a part of the celebrated “Stonewall Brigade,” in which command it served throughout the war. At the battle of Chancellorsville, on May 3,

1863, Judge Fulton then being the captain and in command of his company, was severely wounded, necessitating the amputation of his left leg, near the hip-joint, which retired him from active service. From his retirement from service to the close of the war he was clerk of the County Court of Wythe. After the war he resumed his practice, and was elected to the Legislature after the Underwood Constitution had been adopted, and was by that Legislature elected circuit judge for the counties of Wythe, Giles, Bland, Tazewell, Pulaski, Carroll and Grayson, which position he held with eminent satisfaction for eighteen years, when he resigned to resume practice. The death of Judge Fulton leaves Hon. James Keith, the president of the Supreme Court, the sole survivor of the circuit judges chosen after the Underwood Constitution went into effect, and to whom was entrusted the responsible and arduous duty of moulding a new jurisprudence for the shattered Commonwealth under unprecedented and adverse conditions. In 1893 Judge Fulton had strong support for election to the supreme bench, but at that time the Southwest presented the names of five distinguished and able lawyers—Judge John H. Fulton, Judge H. S. K. Morrison, Judge S. C. Graham, Judge A. A. Phlegar and Judge John A. Buchanan; and Judge Buchanan showing the greatest strength in the preliminary caucus, received the support of the section and was elected. At the State Reunion of Confederate Veterans, held in Petersburg, Judge Fulton was elected commander, being advanced from third lieutenant-commander, and as such presided over the meetings of the Grand Camp, Virginia Division, Confederate Veterans, recently held in Roanoke. Judge Fulton married Miss Cynthia McGavock, of Wythe county, and of that marriage there was one daughter, who married Mr. J. Norment Powell, of Bristol. From the time of his retirement from the bench he has enjoyed a large and important practice, particularly in the Supreme Court of Appeals, where his arguments and opinions always commanded the respect and closest attention of that tribunal. It may be truly said that he was the nestor of the bar of the Southwest. He was a man of retiring disposition and marked modesty, but with a reserved force which, when called into action, was alike the admiration of his friends and the fear and apprehension of his opponents. In every position that he held he measured up to the full duty and responsibility imposed. But the better side of his character is shown forth in his domestic life. A sympathizing friend, a devoted husband and a loving father, his passing away will leave a void that cannot be filled to those who were nearest to him and knew him best.

Richmond Lawyers Adopt Scale of Minimum Charges.—Almost every lawyer in Richmond has united in a "declaration as to minimum charges in the examination of titles to real estate in the city of Richmond and Henrico county." In the course of the declara-

tion, after reciting the conditions operating to justify the increased charges, the lawyers declare that the fee for examination of title to real estate for sale or purchase thereof shall be \$10, where the purchase price does not exceed \$1,000; and that in case the purchase price exceeds \$1,000, an additional charge of \$1 per thousand dollars of value shall be made by the examiner. The declaration, with the signatures thereto, is in the nature of a signed agreement, binding the subscribers to the provisions thereof, and to that extent puts the legal fraternity in the attitude of a trust or combination to fix prices. The city bar association is requested to adopt these articles as a minimum tariff of charges. The declaration sets forth the following reasons for the agreement:

The records of Richmond and Henrico have increased two-fold during the past twenty years, and are increasing every day, thereby doubling the labor of examination of a title. The recent annexation of new territory to the city of Richmond has necessitated, in many cases, a search of the records of both the county of Henrico and the city of Richmond. The various land-grabber laws have greatly increased the risk and liability of an examiner of titles in regard to liens. The value of real estate has greatly increased during recent years, and the responsibility and risk of the examiner have proportionately increased therewith.

The rules and regulations set forth in the paper went into effect on January 15, 1907, and will continue therefrom for a period of one year.

Ethics of the Bar.—Former Judge Alton B. Parker, president of the American Bar Association, has named the following committee to draft the association's code of professional ethics: Harry St. George Tucker, Virginia; David J. Brewer, justice of the Supreme Court of the United States; William Wirt Howe, Louisiana; Francis Lyde Stebon, New York; James G. Jenkins, Wisconsin; Esra A. Thayer, Massachusetts; Franklin Ferris, Missouri; Lucien Hugh Alexander, Pennsylvania, and Frederick J. Brown, Minnesota.

Judge Charles H. Ashton.—Judge Charles H. Ashton, of King George county, died January 17, at the home of his daughter, Mrs. Barksdale, in Alexandria county, after a lingering illness, aged sixty-three years. Judge Ashton was a prominent lawyer, took an active part in politics. He fought through the Civil War as a Confederate, was judge of the County Court of King George for twelve years and at one time represented his county in the Legislature. The remains were taken to his home, in King George county, for interment.

C. W. Robinson for Circuit Bench.—Commonwealth's Attorney C. W. Robinson and Justice B. B. Semmes, of Newport News, came up yesterday from Chickahominy Swamp, where they had been duck-hunting. It is understood that the friends of Mr. Robinson are

looking with favor upon him to succeed to the circuit bench in that district. The incumbent is Judge J. W. G. Blackstone, of Accomac. Mr. Robinson is regarded as a fine lawyer and a man of admirable judicial capacity.—Times-Dispatch.

Law Firm Dissolves.—The law firm of Thomas & Krenning, Wytheville, has been dissolved, and Mr. L. H. Krenning, the junior member of the firm, has opened offices where he will conduct a real estate business in connection with his law business. Mr. C. B. Thomas has taken his son, Mr. William Thomas, in partnership with him, and will continue at the old office on Fourth Avenue, and will still have charge of the Southwest Virginia Land Agency.

Partnership Formed.—Mr. H. W. Walsh has formed a partnership with Mr. Daniel Harmon, under the firm name of Harmon & Walsh, Charlottesville, Va. Mr. Walsh is a native of Rochester, N. Y. He prepared for college at Heathcote School, Buffalo, N. Y., and graduated from Harvard College in 1903 with the degree of A. B., cum laude. In June of last year he graduated from the Harvard Law School.

Judge Leake Much Improved.—The many friends of Judge A. K. Leake, of Richmond, will be gratified to learn that since his attack of sickness, while in the trial of a case at Louisa C. H., some weeks ago, he has been convalescing much more rapidly than had been expected. The report that Judge Leake had been stricken with paralysis was erroneous; his trouble arose from an affection of the heart.

Mr. J. I. Hurt has withdrawn from the firm of Fulkerson, Page & Hurt, Abingdon and Bristol, Va. Judge Page and Mr. Fulkerson will continue to practice under the new firm name, Page & Fulkerson, with offices at Abingdon and Bristol.

NOTES OF CASES.

Preferences in Bankruptcy—Bank and Depositor—Mutual Accounts—Set-Off.—Where there is a mutual running account between a bank and one of its customers who for several years had been allowed to overdraw to meet current expenses upon the distinct understanding and agreement that the next succeeding deposit should be applied to existing overdrafts, it is held in *Tomlinson v. Bank of Lexington*, 16 Am. B. R. 632, that deposits so made and applied, do not constitute preferences which must be surrendered before the bank may prove a claim upon the bankrupt's notes held by it, even though the deposits were made within the four months' period while